



California Fair Political Practices Commission

May 15, 1991

Kelly Pickert
Coalition for a Better California
1108 O Street
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-91-233

Dear Ms. Pickert:

You have requested advice on behalf of the Coalition for a Better California concerning the lobbying provisions of the Political Reform Act.¹

QUESTION

Is the Coalition for a Better California ("Coalition") required to file reports because of its activities in attempting to influence legislative action?

CONCLUSION

From the information provided, it appears that the Coalition is not a lobbying firm, lobbyist employer, or lobbying coalition under the Act. However, the Coalition may qualify as a person who makes payments to influence legislative or administrative action of \$5,000 or more in a calendar quarter ("\$5,000 filer"). If so, it must report its activities for each calendar quarter in which it qualifies as a \$5,000 filer.

FACTS

The Coalition has received approximately \$20,000 from various organizations to encourage voters to contact their legislators and advocate a specific outcome of the state budget. The Coalition will not pay any lobbyist or lobbying firm to lobby on its behalf. Two contributors have each contributed \$5,000. As of our telephone conversation of May 1, 1991, you have received funds from at least 11 separate organizations.

¹ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

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ANALYSIS

In each case, the definition of "lobbying firm," "lobbyist employer," and "lobbying coalition" include employing or contracting for the services of a lobbyist for economic consideration. (Sections 82038.5, 82039.5; Regulation 18616.4.) Since the Coalition will not employ a lobbyist, the Coalition will not meet any of the above definitions.

However, Section 86115(b) requires reporting by:

Any person who directly or indirectly makes payments to influence legislative or administrative action of \$5,000 or more in value in any calendar quarter...

A payment to influence legislative or administrative action is defined, in part, as:

Payment for or in connection with soliciting or urging other persons to enter into direct communication with any elective state official, legislative official or agency official.

Section 82045(e).

Therefore, if the Coalition spends \$5,000 in a calendar quarter to solicit or urge other persons to contact their legislators concerning legislative action, as is the Coalition's current plan, the Coalition will be required to file a lobbying disclosure statement (Form 645) for each calendar quarter in which \$5,000 is spent.

In addition, if any member of the Coalition gives \$5,000 in a calendar quarter to the Coalition, the member may also be required to file as a \$5,000 filer. If the member is already filing reports as a lobbyist employer or lobbying coalition, then an additional filing is not required, but payments to the Coalition must be reported on the member's regular reports as payments to influence legislative or administrative action.


Enclosed are a Form 645 and the Information Manual on Lobbying Disclosure Provisions of the Political Reform Act. (Although the form and manual are dated 1990, they are current and may be used for reporting in 1991.)

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If you have additional questions, please feel free to call me
at (916) 322-5662.

Sincerely,

Scott Hallabrin
Acting General Counsel


by: Kevin S. Braaten-Moen
Political Reform Consultant

Enclosures

COALITION FOR A BETTER CALIFORNIA

APR 22 1991

April 22, 1991

Legal Division
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 600
Sacramento, CA 95814

Dear Counsel:

Dave Hulse of the Political Reform Division of the Secretary of State's office suggested I submit this question to you in writing.

In early March 1991 the Coalition for A Better California was formed and began to receive contributions. To date we have received over \$20,000. These contributions have been made by various statewide associations in California (no individuals have contributed money).

The goal of this group is to influence the California Legislature in their decisions regarding the 1991-92 budget legislation.

We will accomplish this by mobilizing voters around the state to write and call their legislators.

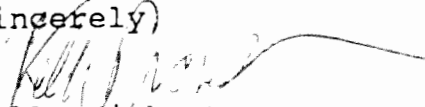
We will use our money to pay the salaries and expenses of a small number of organizers and consultants around the state who will mobilize these voters. We will not hire any lobbyist or reimburse any lobbyist for their time.

The Coalition is not in any way focused on a candidate or initiative campaign; we clearly want to influence legislation. I considered the idea that we are a "lobbying coalition," but a lobbying coalition is a group that hires or pays a lobbyist. We have not and will not pay any lobbyists.

When our contributors file their reports, the money they gave to the Coalition for A Better California will be listed under, "other payments to influence."

My question is, does this group need to register with the Secretary of State's office, and if so, as what type of group? Please respond in writing as soon as possible. If you need more information, please call me at 916-326-4364. Thank you very much.

Sincerely,


MS Kelly Pickert
Coalition Liaison

cc. Diane M. Fishburn, Olson Connelly Hagel Fong & Leidigh